

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
February 17, 2011

In the Matter of K. WALDEN, M. TULLOS, and
T. TULLOS, Minors.

No. 298654
St. Joseph Circuit Court
Family Division
LC No. 2007-001197-NA

Before: HOEKSTRA, P.J., and FITZGERALD and BECKERING, JJ.

PER CURIAM.

Respondent appeals as of right the order of the trial court terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(g). We affirm.

Respondent contends that the trial court erred in finding that clear and convincing evidence supported termination under the statutory provision. We disagree. To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been demonstrated by clear and convincing evidence. *In re Fried*, 266 Mich App 535, 540; 702 NW2d 192 (2005). Once a ground for termination is established, the court must order termination of parental rights if it finds that termination is in the child's best interests. MCL 712A.19b(5). We review a trial court's findings of fact for clear error. MCR 3.977(K); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). "A finding is clearly erroneous if although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Miller*, 433 Mich at 337 (quotations and alteration omitted).

When the petition was first filed in November 2007, respondent was without independent housing, did not have employment, and was in an abusive relationship. Petitioner provided numerous services and respondent began to address these issues in 2008. She got a job, found housing, and ended her abusive relationship. However, between 2008 and the termination hearing held in March and April 2010, the status of these conditions fluctuated. Respondent lost her job and was unemployed for a short time, but secured temporary work shortly before the termination hearing. She moved several times in that time period. At one point, even though one of the children was in her custody, she had no heat in her house because the gas services had been terminated. Though these problems were rectified before termination, respondent never demonstrated that she could maintain a long-term stable home.

Respondent's continuing financial instability appeared to be an underlying factor in the emotional and behavioral problems of her children. The oldest child in particular was directly

affected and became obsessively worried about respondent and whether her financial problems would result in him being placed again in foster care. This stress was so extreme it caused him to become ill at school. He worried about whether there would be heat in the home, whether respondent was quarreling with the landlord, whether there would be food, and whether he would be returned to foster care.

The record is also replete with evidence that respondent's parenting methods caused or at least contributed to the oldest child's difficult behavior. His behavior problems escalated when with respondent, and all the service providers working with the family concluded that respondent could not adequately parent the three children and had never demonstrated the ability to provide the children with structure, consistency, and discipline.

Respondent also suggests that petitioner did not exert enough effort to reunify the family. But contrary to this assertion, petitioner devoted extensive resources to the family, including services through Early On and Families First, psychological evaluation, individual counseling, infant mental health services, case aides to assist with visits and provide parenting advice, parenting classes, and over \$4,000 in financial assistance for housing and utilities. In light of the extensive record, it cannot be said that the trial court clearly erred in determining that clear and convincing evidence supported termination under subsection (3)(g). For the same reasons, we also find no clear error in the trial court's finding that termination was in the best interests of the children.

Affirmed.

/s/ Joel P. Hoekstra
/s/ E. Thomas Fitzgerald
/s/ Jane M. Beckering